

1 with the Commission?

2 A I'd have to go back and review those records. I
3 know she was in -- she had problems sufficient that she
4 didn't want to go forward.

5 Q Do you recall that her problems related to
6 allegations of real party in interest misconduct?

7 A I don't recall that, no.

8 Q You don't recall that at all?

9 A Again, I know she had problems at the Commission.
10 What I remember was she didn't want to go forward with it.
11 I don't doubt if you're saying that was the problem that it
12 undoubtedly was the problem, but you asked for my memory of
13 it. I don't really recall is other than she did not want to
14 go forward.

15 Q I believe you have in the pile of materials at the
16 far corner of the desk up there, and maybe Mr. Booth can
17 help you out, I believe you will find in there a copy of a
18 document which has been identified as Adams No. 81. It's a
19 memorandum on Sidley & Austin stationery.

20 A Okay.

21 Q Please take a look at that.

22 A Yes, okay.

23 Q Do you recall now what the problem -- strike that.
24 Do you recall now what problems Ms. Shaw's application ran
25 into at the FCC?

1 A I think if you read the memo, you've got to a full
2 outline of it.

3 Q And could you describe what that memo says?

4 A It says the Enforcement Division wants to inquire
5 into her finance, the interrelationship between herself, Dr.
6 Scott, Dolores Press, Dr. Gene Scott, Inc., Boy Scout
7 Christian Center, PACE Center, Wilshire -- these names I
8 can't pronounce, and a number of other people.

9 Q When did you learn of the Bureau's concerns about
10 Ms. Shaw's KCBI application?

11 A Whenever they issued them. I don't recall
12 specifically when I learned about it. It would have been
13 shortly after whatever problem they had came up.

14 Q Mr. Parker, do you have up there a document which
15 has been marked as Adams No. 78? It's a Sidley & Austin
16 bill, the cover page is dated March 22, 1991.

17 A Yes.

18 Q And let me refer you to the item for date 2-25-91,
19 E-D-C, which I believe stands for Evan D. Carr.

20 Do you see that entry there?

21 A On what date?

22 Q On 2-25-91.

23 And does the narrative for that entry refresh your
24 recollection as to when you first learned of the FCC's staff
25 concern?

1 A All I know is I knew about it on February 25th.

2 Q Do you recall -- I'm sorry. Yes?

3 A Go ahead.

4 Q And once you had learned of the FCC's concerns on
5 February 25th, did you --

6 MR. HUTTON: Objection. that misstates the
7 testimony.

8 BY MR. COLE:

9 Q Once you had learned of the FCC's concerns by
10 February 25th --

11 JUDGE SIPPEL: All right, is that better?

12 MR. HUTTON: Yes.

13 JUDGE SIPPEL: Okay.

14 BY MR. COLE:

15 Q Did you discuss those concerns with Mr. Wadlow?

16 A Apparently I did. The next billing under that is
17 Clark Wadlow billing, stating he had a meeting with me re
18 issues on the transfer application.

19 Q Do you recall any other conversations with Mr.
20 Wadlow about this matter?

21 A Let's make it clear. I don't recall any
22 conversations with Mr. Wadlow about the matter, but I'm
23 going through the billing records and he clearly billed me
24 for it, and I would have reviewed these bills at the time
25 they came in. And if I had a disagreement with them, I

1 would have raised it. So I have ever reason to believe that
2 they are accurate. But I don't have any independent
3 recollection of any of those conversations or even the
4 meeting that took place on the 25th.

5 Q Do you have any recollection that these
6 conversations occurred at all?

7 A Oh, I'm sure they did, but not specifically what
8 was discussed or anything than the broad issues.

9 Q What were those broad issues?

10 A Well, they are, again, outlined there.

11 You asked me earlier if I could recall why. I
12 couldn't remember but it's clear that I would have known
13 about it at that point in 1991. I knew she had problems at
14 the Commission. It clearly outlines what they were.

15 Q And after the June 20 letter arrived, do you
16 recall having further conversations with Sidley & Austin
17 attorneys about Ms. Shaw's KCBI application?

18 A No, I don't specifically recall now, but if you
19 want me to look at the rest of the billing records, I can.

20 Q Well, based on what you've said so far, would it
21 be correct to assume that if the billing records show that
22 there were conversations between you and Sidley & Austin
23 attorneys concerning the Shaw matter, that those
24 conversations occurred?

25 A Yes, I believe that would be accurate.

1 Q Did you understand the Bureau's June 20, 1991
2 letter to indicate that the Bureau believed that the real
3 party in interest in Ms. Shaw's KCBI application is Reverend
4 Eugene Scott?

5 A It is what? Sorry?

6 Q Did you believe -- did you understand the Bureau's
7 letter of inquiry dated June 20, '91, to indicate the Bureau
8 believed that the real party in interest in Ms. Shaw's KCBI
9 assignment application was Reverend Eugene Scott?

10 A I think they stated they had questions on that.

11 Q And because of those questions, isn't it correct
12 that the Bureau refused to act on Ms. Shaw's KCBI
13 application?

14 A I believe if you read the last paragraph of the
15 letter, they gave her 12 - 20 days to respond to them.

16 Q Do you know whether she responded within that time
17 frame?

18 A I don't recall whether she responded or not.

19 Q Her application was still pending in July of 1992,
20 was it not?

21 A I don't recall when she withdrew it, so I --

22 Q Did you acquire the rights to an assignment of
23 KCBI from Ms. Shaw?

24 A Yes.

25 Q Did you acquire those rights shortly before you

1 filed your application to acquire the KCBI license?

2 A I wouldn't have filed until I had the right, so
3 I'm assuming you're correct. I don't know if it was shortly
4 or when it was, but I think there is documentation somewhere
5 to that effect either in the application or --

6 Q Well, let me just refer you so the record is
7 clear. In Exhibit Adams 54, page 16, that's the purchase
8 agreement, a one-page document, it's a purchase agreement
9 which appears to have your signature and Ms. Shaw's
10 signature.

11 That is your signature, isn't it?

12 A That is correct.

13 Q And is this the document pursuant to which you
14 acquired Ms. Shaw's rights to acquire KCBI?

15 A I believe she assigned me those rights; that is
16 correct.

17 Q Do you recall when Ms. Shaw -- strike that.

18 Your application to acquire KCBI was granted
19 shortly after you filed your amendment that we've been
20 discussing today; isn't that right?

21 A That is correct.

22 Q And you closed on that in early November of 1992?

23 A Whatever the date that we filed the notice to the
24 Commission that we had completed the transaction we did, and
25 I assume that you are viewing from something, so I assume

1 that's correct.

2 Q Is it correct that once you acquired KCBI in
3 November of 1992, the station began to broadcast Reverend
4 Scott's programming 24 hours a day?

5 A That is correct.

6 Q Let's go back to 1991, February 18, 1991, Mr.
7 Wadlow sends you the letter that appears as Adams 58, right?

8 A Adams 58. Yes.

9 Q It's the Wadlow letter.

10 A Yes.

11 Q It was determined that within a week, that is, by
12 February 25, 1991, you have learned that Ms. Shaw's KCBI
13 application has run into problems at the FCC relating to
14 real party in interest concerns.

15 Would you agree with that?

16 JUDGE SIPPEL: Are you tying that in with Adams
17 81?

18 MR. COLE: We're tying that in to Adams 78, which
19 is the Sidley & Austin bill with the February 25, 1991 entry
20 indicating a teleconference between Mr. Wadlow and Mr.
21 Parker concerning issues re transfer application that Mr.
22 Parker looked at this afternoon, and I believe he testified
23 that that indicated that he was aware of Ms. Shaw's problems
24 at the FCC.

25 JUDGE SIPPEL: Got you.

1 MR. COLE: And that was the item that Mr. Hutton
2 correctly pointed out did not establish the actual date of
3 notice but certainly a "no later than date" of notice.

4 THE WITNESS: Okay.

5 BY MR. COLE:

6 Q All right. Then after February 25, you had
7 repeated conversations with counsel about Ms. Shaw's
8 applications and the FCC's concerns about -- strike that.

9 You had repeated conversations with counsel about
10 Ms. Shaw's Dallas assignment application and the Mass Media
11 Bureau's concerns about that application for approximately
12 three or four months; is that accurate?

13 A I would assume based on the billing records, if
14 that's what it reflects, yes.

15 Q And then in June of 1991, the Bureau issued the
16 letter of inquiry to Ms. Shaw clearly articulating its
17 concerns about allegations of real party in interest
18 misconduct; is that correct?

19 A I believe that is correct, yes.

20 Q And you obtained that letter the day it was
21 issued, it would appear from the fax cover sheets which are
22 the last pages of Adams 81, which I have given you?

23 A Well, clearly it was faxed to me on that date.
24 Whether I saw it that date or not, I've got faxes in my
25 office right now I haven't seen for this week. But I would

1 have known about it within a few days of that, yes.

2 Q And after receipt of that letter you continued to
3 have more conversations with counsel, communications counsel
4 at Sidley and Austin about the Shaw application and the
5 Bureau's concerns about that application; isn't that
6 correct?

7 A That is correct.

8 Q But then in July 1991, you relied on non-
9 communications counsel, that is, Mr. Mercer, to prepare your
10 Norwell application; isn't that right?

11 A That's correct.

12 Q And in that application you mention the San
13 Bernardino case for the first time in any application that
14 we have been able to find, even though that case -- even
15 though the San Bernardino case hadn't been mentioned at all
16 in your San Francisco application prepared by Schnader
17 Harrison.

18 Now, despite the fact that you had for the
19 previous five months been made repeatedly aware of the
20 seriousness with which the Bureau at that moment, at that
21 very time viewed real party in interest misconduct you
22 didn't mention in the Norwell application the fact that a
23 disqualifying real party in interest issue had been added
24 against you and resolved adversely to you in San Bernardino,
25 did you?

1 MR. HUTTON: Objection. It's already additive and
2 it misstates the decision.

3 JUDGE SIPPEL: I'll sustain the objection.

4 BY MR. COLE:

5 Q One last question, Mr. Parker.

6 Having looked at the Sidley & Austin billing
7 records and the Bureau's letter of inquiry to Ms. Shaw, is
8 it your testimony that you do not recall the substance of
9 any conversations that you had with any attorney at Sidley &
10 Austin concerning the Shaw matter of -- strike that --
11 concerning the Shaw's Dallas assignment application and the
12 Bureau's concerns about real party in interest questions
13 relating to Ms. Shaw's application?

14 MR. HUTTON: Objection; asked and answered.

15 JUDGE SIPPEL: I'm going to let him sum up with
16 this. That's okay. I'll overrule the objection.

17 Do you understand the question, sir?

18 THE WITNESS: What's the question again?

19 BY MR. COLE:

20 Q My question is, is it your testimony that having
21 had the opportunity now to look at Sidley & Austin billing
22 records, the Bureau's letter of inquiry, it's your testimony
23 that you do not have any recollection of the substance of
24 any conversations that you had with any Sidley & Austin
25 attorneys concerning Ms. Shaw's Dallas assignment

1 application and the Bureau's stated concerns about real
2 party in interest questions arising from Ms. Shaw's Dallas
3 assignment application?

4 A No, that's not my statement. I think what I said
5 earlier, specific conversations, no, I don't recall those,
6 but I do recall that we had a number of discussions about it
7 and the fact that Ms. Shaw had thought she had a clean bill
8 of health coming out of Avalon. I had advised her of that.

9 She went out and bought the equipment on my advice
10 for a shortwave station, and then had this letter brought
11 up, and clearly the attorneys felt that she was going to
12 have to litigate for a tremendous period of time in order to
13 get the license. That's basically the substance of what I
14 remember.

15 MR. COLE: I have no further questions, Your
16 Honor.

17 JUDGE SIPPEL: Mr. Shook?

18 MR. HUTTON: Your Honor, I'd like to ask for a
19 short break before we start Mr. Shook. Could we take a
20 short break?

21 MR. SHOOK: You must have anticipated that I was
22 going to ask that.

23 THE WITNESS: I'm glad because I would have been
24 asking if you guys weren't.

25 JUDGE SIPPEL: One of the few things there has

1 been unanimity.

2 (Laughter.)

3 MR. COLE: Wait a minute.

4 (Laughter.)

5 JUDGE SIPPEL: Just a minute now. We'll come back
6 at 25 minutes of five by the clock in the back of the room.

7 We're in recess. Thank you.

8 MR. HUTTON: Thank you, Your Honor.

9 (Whereupon, a recess was taken.)

10 JUDGE SIPPEL: Please be seated.

11 Okay, Mr. Shook.

12 MR. SHOOK: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. SHOOK:

15 Q Mr. Parker, there are a number of subject areas
16 that I would like to cover, and the first subject area I'd
17 like to cover is with respect to the Dallas application.

18 A Yes.

19 Q And so everybody is looking at the same document
20 at the same time, I'd like you to refer to Reading Exhibit
21 46, and the first attachment that I would like you to look
22 at is Attachment H, and the page is H-10.

23 A Yes.

24 Q Now, you see that in response to question seven
25 there are a number of boxes that are checked, and at least

1 in the copy that I'm looking at it appears that two boxes
2 are not checked at all, and it may simply be the quality of
3 the photocopy.

4 But as I read it, with respect to question seven,
5 subpart (a) is answered in the affirmative?

6 A Okay.

7 Q And subpart (b) is answered in the affirmative.

8 A I believe so. My copy must be as bad as yours.

9 Q Right. Well, I just want to make sure we have the
10 same understanding as we're going through this.

11 A I believe that is, yes.

12 Q And when I'm looking at subpart (c) and (d), I
13 don't see any box checked at all.

14 A (c) and (d) I have checked as no in mine.

15 Q You do? Okay.

16 A Yeah.

17 Q It's not clear from the copy I'm looking at.

18 A I believe that's what it is. There is an X, it
19 looks like, in mine.

20 Q And then when we get to subpart (e), that's also
21 checked yes?

22 A I believe so, correct.

23 Q And then there is a reference to an Exhibit No. 3.

24 A That is correct.

25 Q Now, turning to page 22 of that attachment,

1 Attachment H, that is the Exhibit 3 that is referred to with
2 respect to question seven?

3 A That is correct.

4 Q And it goes on for -- it appears to be three pages
5 and part of a fourth?

6 A That is correct.

7 Q Now, there are a number of applications and/or
8 stations that are referenced in Exhibit 3. As I read the
9 question seven and look at Exhibit 3, the understanding that
10 I have is that by and large Exhibit 3 was meant to inform
11 the Commission about those applications which had been
12 either dismissed or denied.

13 A Yes.

14 Q If that's an incorrect understanding, please
15 correct me.

16 A I believe that's what question number seven asks
17 for. Go back and.

18 Q And one of those applications that's referenced in
19 Exhibit 3 is the San Bernardino application.

20 A That is correct.

21 Q Now, the same exhibit number but this time I want
22 you to look at tab J.

23 A Tab J, yes.

24 Q That is the October 29, 1992 amendment that Mr.
25 Cole spent a certain amount of time --

1 A Yes.

2 Q -- talking with you about?

3 Now, what I would like to have clarified because
4 this may be just a problem with what I heard as opposed to a
5 problem with what you meant to testify, when you go to page
6 J-3, which is the statement -- a statement that is dated
7 October 27, 1992, and which you signed, I want you to focus
8 on the very last sentence of that statement.

9 Do you see it?

10 A Yes.

11 Q Now, was that statement meant to include or not
12 include the San Bernardino application?

13 A Okay, I -- I believed that in 1992, when I signed
14 this, and, you know, we spent a lot of time talking today,
15 but it was based really on knowledge I have now, but I
16 believe on 1992 this was an amendment that did not replace
17 number -- the response in three. It was an amendment that
18 added to it, and it was my understanding in 1992, one, that
19 I outlined what the Commission -- this disclosure outlined
20 what the Commission had done with regard to San Bernardino,
21 and it was clearly my understanding that any issues had been
22 resolved and were gone; and that when I signed this, that I
23 was signing an accurate statement, and that it did include
24 the San Bernardino case.

25 Q So in terms of what you meant to tell the

1 Commission, you meant to tell the Commission that this
2 sentence, the very last sentence that we are focusing on,
3 did include San Bernardino?

4 A Right, but it didn't say -- it did not say that
5 I'm correcting what was said here. It added to it. And
6 what is said here is there was a real party in interest
7 issue. In other words, it was disclosed, and what I believe
8 to be that it was limited; you know, it explains the
9 limiting of it, and I believe that what is said here is
10 accurate -- was my understanding it was an accurate
11 statement that included San Bernardino.

12 Q All right, now, I'm trying to understanding your
13 belief. Help me with -- I guess we are just going to have
14 to parse this sentence, I'm afraid.

15 A Okay.

16 Q Looking at --

17 A It says, "This will confirm that no character
18 issues had been added or requested against those applicants
19 when those applications were dismissed."

20 And I believe that, one, there weren't any added
21 or requested at the time they were dismissed; that
22 everything had been resolved, and we disclosed what the
23 outcome was previously in number three. So I believe that,
24 yes, it did include San Bernardino when I signed it in 1992.

25 JUDGE SIPPEL: Okay, now, wait until he asks a

1 question.

2 THE WITNESS: Oh, I'm sorry. I thought I was.

3 JUDGE SIPPEL: Wait until he asks the question.

4 THE WITNESS: All right.

5 BY MR. SHOOK:

6 Q Well, in a way you did, but you also anticipated
7 where I was going.

8 A Oh, okay.

9 Q In some respect that's okay, but keep in mind the
10 judge's admonition.

11 A Okay.

12 Q So the focal point in time is you are looking at
13 the application when it was dismissed.

14 A Correct.

15 Q Is that what you are trying to tell us?

16 A That is correct.

17 Q So this is not meant to -- this is not meant to
18 tell the Commission that at no time during the proceeding
19 had a character issue been requested?

20 A Well, that's true because I -- if you read the
21 statement in number three, I told them about the issue had
22 been and what the outcome was, in our opinion, whether you
23 agree with that or not.

24 JUDGE SIPPEL: Where is that that you tell them?

25 THE WITNESS: On page H-24, I said -- I said

1 clearly that -- where is it? Let's see, I want to say -- I
2 said it was such that the general partner of SBB was held
3 not to be a real party in interest to that applicant. But
4 instead, for the purpose of comparative analysis of SBB's
5 integration and diversification credit, Mr. Parker was
6 deemed such.

7 So I disclosed that, but this sentence deals with
8 when it was dismissed. That's how I read it -- how I read
9 it, I'm sure I read it then, that at that point everything
10 was resolved and nobody had requested any additional items.

11 BY MR. SHOOK:

12 Q Resolved?

13 A Well, it says requested those app -- when the
14 applications were dismissed. In other words, the issues
15 were cleaned up, they were dismissed. Nobody had requested
16 anything be added.

17 BY MR. SHOOK:

18 Q Now, going back to page H-24 which you had just
19 referred to.

20 A Yes.

21 Q Is it your testimony that the language that
22 appears on pages H-24 and H-25 were meant to inform the
23 processing staff that a real party in interest issue had
24 been requested and added?

25 A No, I think that outlines what in --

1 Q Actually, that was not an appropriate question.

2 A Okay.

3 Q Let me rephrase that.

4 Wouldn't it be fair to say that the paragraph that
5 appears on pages H-24 and H-25 does not state that a real
6 party in interest issue had been added and resolved in favor
7 of the applicant?

8 A I think it discloses what the outcome was in terms
9 of Mike Parker. I wasn't the applicant. I wasn't the -- I
10 didn't have an interest in the proceedings, and I think it
11 discloses that and outlines that, in terms of my
12 understanding of what the review board did, I was
13 adjudicated that I was a real party in interest, and that in
14 terms of any integration or diversification credit, Ms. Van
15 Osdale wasn't entitled to that, and I think it does disclose
16 that.

17 Q Now, if I recall correctly from your testimony,
18 you seem to attach a good deal of significance to the fact
19 that in the ultimate settlement of San Bernardino the
20 approval of the settlement whereby San Bernardino
21 Broadcasting Limited Partnership received \$850,000, had some
22 kind of meaning with respect to you. That's what I
23 understood from your testimony.

24 Is that a fair understanding?

25 A I believed it did, yes.

1 Q And the significance that it had for you was what?

2 A I believe that, again, the only real party in
3 interest was vis-a-vis Ms. Van Osdale not getting her
4 diversification credit, that when it was settled that the
5 issues were resolved. That's what I believed then when I
6 filed these applications based on counsel's advising me in
7 that area.

8 Q In other words, if the Commission had a problem
9 with you, if the Commission felt, believed, determined, if
10 the Commission had determined that you were the real party
11 in interest, it's your understanding that that settlement
12 would not have been approved?

13 MR. HUTTON: I'm going to object just to the form
14 of the question. We have been -- there has been a lot of
15 testimony today about real party in interest for comparative
16 versus qualifying, and the question didn't indicate which of
17 the two he meant.

18 JUDGE SIPPEL: Well, you can ask it both ways.

19 MR. SHOOK: Well, the reason I didn't try to split
20 hairs in respect to what Mr. Hutton said is that the issue
21 was added only as a basic qualifying issue, and that's what
22 I am referring to.

23 JUDGE SIPPEL: All right. I'm going to -- I mean,
24 I'm going to overrule the objection, and you clarified what
25 it is, the context, so now you can answer the question.

1 THE WITNESS: Well, had I been ruled a real party
2 in interest for other than, again, whether my interpretation
3 is right or not, what I was basically told was that the
4 review board decision only went to -- only affirmed the
5 administrative law judge to the point of not giving Van
6 Osdale integration and diversification credit in her
7 application. For that purpose, I was a real party in
8 interest.

9 But in terms of an adverse finding against me that
10 would haunt me forever, I did not believe that to be the
11 case, and clearly, I believe, that when the review board
12 approved the settlement and San Bernardino got \$850,000 in a
13 settlement, I believed that all the adverse rulings had been
14 resolved, much like the letter that was shown to me a few
15 minutes ago resolved the issues on the dismissal of Shaw's
16 application. That's what I believe.

17 BY MR. SHOOK:

18 Q That brings up two points. You had mentioned a
19 number of times in your testimony that you personally did
20 not benefit at all from that \$850,000.

21 A That is correct.

22 Q In the judge's opinion, if you need to, we can go
23 back and look at the particular language, but in the judge's
24 opinion, he makes reference to a transfer of an ownership
25 interest that took place prior to the time, I believe, the

1 application was filed, and that transfer involved yourself,
2 as the transferor, and according to the judge's opinion, it
3 was your sister and brother-in-law that were on the
4 receiving end of this interest?

5 A Well, first of all, the transferror was, I
6 believe, Kim O'Neil, who was an attorney who worked for me
7 full time. She formed the limited partnership, much like I
8 have had other attorney firms form partnerships whereby she
9 was originally listed as the partner.

10 And then when the partners got together and made
11 their agreement, the interest was transferred over to them,
12 and interest was transferred, or part of the, if you will,
13 organization of San Bernardino, my brother-in-law assisted
14 Ms. Van Osdale in putting together the limited partners. He
15 was the -- at the time was the general manager of the Lake
16 Arrowhead Country Club in San Bernardino. The Van Osdales
17 were members of the country club. Most of the investors in
18 San Bernardino were members of the country club.

19 And in return for his working with her and putting
20 the deal together, and I believe he paid some money, and I
21 don't recall how much it was, but he bought an interest at a
22 greatly reduced price.

23 Q I think part of the problem here is the way I
24 formed the question.

25 A Okay.

1 Q Let me focus your attention to Reading Exhibit 46,
2 tab B, page B-6, paragraph 16.

3 A Paragraph 16. Okay.

4 Q Now, it's about a little more than half way
5 through the paragraph, I'll read you the sentence that I
6 want to ask a question about. The sentence reads, "Van
7 Osdale allegedly received her 'controlling'" and that word
8 is in quotes, "10 percent equity interest from Parker's own
9 employee, S. Kim O'Neil, while Parker transferred the equity
10 interest previously held in his own name to his sister and
11 brother-in-law, Sally and Larry Peterson, who are currently
12 listed as holding 20 percent of SBB's total equity."

13 So when I was talking about a transfer before, I
14 was making reference to that transfer which the review board
15 notes as having gone from you to your sister and brother-in-
16 law.

17 My initial question is, is that sentence accurate?

18 A As far as it goes, but it doesn't explain the
19 transaction that took place.

20 Q Yes, if it turns out that there is some
21 explanation that's needed, I hope I --

22 JUDGE SIPPEL: He can ask that in questions.

23 THE WITNESS: Okay.

24 BY MR. SHOOK:

25 Q In terms of --

1 A Yes, that is an accurate statement.

2 JUDGE SIPPEL: Wait just a second though. Let him
3 finish what he was saying.

4 THE WITNESS: Oh, okay. I'm sorry.

5 BY MR. SHOOK:

6 Q I'm just trying to clarify if that statement is
7 factually accurate.

8 A That is correct.

9 Q So there was a point in time in which you held 20
10 percent of SBB's total equity, and then you transferred that
11 20 percent to your sister and brother-in-law?

12 A Yes.

13 Q Now, at the time of settlement --

14 A Yes.

15 Q -- were your sister and brother-in-law still
16 holding 20 percent?

17 A I'm not sure it was 20 percent, but they were
18 holding some percentage based on, you know, they raised more
19 money and so on. They only their interest in the company,
20 yes.

21 Q So a certain amount of that \$850,000 went to your
22 sister and brother-in-law?

23 A Yes, it did.

24 Q Now, I want to refer you to your testimony which
25 is Reading Exhibit 46, and what I'd like you to look at is

1 page 2, paragraph five.

2 A I'm sorry. Where are we again?

3 Q Reading Exhibit 46, which is your testimony.

4 A Yes.

5 Q Page 2.

6 A Oh, my testimony, page 2. Okay.

7 JUDGE SIPPEL: Paragraph five.

8 THE WITNESS: Paragraph five. Paragraph, five,
9 yes.

10 MR. SHOOK: Right.

11 BY MR. SHOOK:

12 Q And the sentence I want you to focus on, and then
13 I'll ask a question on it, is the very last sentence of the
14 paragraph.

15 A Yes.

16 Q Now, To your understanding, is it important that
17 SBB did not ask the review board -- that the earlier review
18 board decision be vacated as part of the settlement? What
19 is the significance of that?

20 A Well, again, what I knew then and what I know now,
21 what I believed then that it had done -- well, that it had
22 accomplished that vis-a-vis the dismissal.

23 I find out now that the letter isn't -- or the
24 final dismissal decision wasn't like the wording that was in
25 the letter that we looked at with Ms. Shaw. And I guess the

1 significance is that it didn't ask for that to happen and it
2 didn't happen.

3 Q I see. So I should understand this sentence as
4 meaning it is of significance to you now --

5 A That is correct.

6 Q -- that the decision had not been vacated. I
7 should not read into this that it was significant to you
8 back in 1988?

9 A Or in '92 or so on. I believe that, in fact, as I
10 said, I wasn't represented by counsel. I didn't have
11 anybody there. I had been fired by Ms. Van Osdale. I
12 wasn't talking to her attorneys. And when I talked to Mr.
13 Wadlow, it was like that had happened, and I believe that he
14 believed it did happen, and that the practical effect was
15 that it had happened, but there wasn't actually the language
16 like there was in the Shaw letter.

17 Q That helps clarify that matter.

18 Now, I'd like you to turn to the Adams official
19 notice documents in this case, the official notice document
20 No. 1, which is the Mount Baker decision. It's in the black
21 binder, the little black binder.

22 A Okay. Document No. 1?

23 Q Yes.

24 JUDGE SIPPEL: Yes, sir.

25 //

1 BY MR. SHOOK:

2 Q And what we are looking at is the Mount Baker
3 decision that the Commission issued in August of 1988?

4 A Yes.

5 Q Now, did you see this decision relatively close to
6 the time that the Commission issued it?

7 A Yes.

8 Q And it was transmitted to you by your counsel at
9 the time?

10 A I'm sure, yes.

11 Q And I take it you read it?

12 A Yes.

13 Q Now, moving to paragraph A, about a third of the
14 way down I'm going to read you a sentence and then follow it
15 up with a question. The sentence that I am focusing on is,
16 "In that regard, improper construction did not occur through
17 error or inadvertence; the facts clearly indicate an effort
18 to deceive the Commission."

19 Now, I take it you've read that sentence?

20 A Yes, I did.

21 Q I take it that you were offended by that sentence?

22 A Yes.

23 Q I take it that you would have liked to have the
24 Commission change its mind on that?

25 A Yes.

1 Q Now, did you do anything in order to try to get
2 the Commission to change its mind on that?

3 (Pause.)

4 BY MR. SHOOK:

5 Q Perhaps I can help you with this.

6 A I'm trying to remember if this was before or after
7 the appeal.

8 Q Well, that's why I'm going to direct your
9 attention to something --

10 JUDGE SIPPEL: Let Mr. Shook --

11 BY MR. SHOOK:

12 Q -- if I can help you here.

13 Reading Exhibit 46, Attachment I, which is the
14 KWBD transfer of control application, And the way mine is
15 paginated -- help me out here. Is this supposed to be --
16 when I'm looking for Exhibit Roman Numeral III, I'm not sure
17 if I'm looking at is it I-26?

18 MR. HUTTON: It think it's I-26.

19 MR. SHOOK: Instead of 1-26.

20 MR. HUTTON: Right.

21 MR. SHOOK: Okay.

22 BY MR. SHOOK:

23 Q So Mr. Parker, I want you to focus your attention
24 now on pages --

25 A Got it.

1 Q -- I-26 and I-27. Actually, excuse me, it just
2 appears on page I-27.

3 A I-27, okay.

4 Q The last sentence of the paragraph that begins the
5 page before reads, "Mount Baker Broadcasting Co. has pending
6 before the Commission a petition for reconsideration of that
7 decision."

8 "That decision" referring to the decision we have
9 just been talking about?

10 A Yes.

11 Q Now, do you know what happened with respect to
12 that petition for reconsideration?

13 A I believe it was denied.

14 Q So as a consequence of that, would it be fair to
15 say that the Commission did not alter the conclusion that it
16 had expressed in the Mount Banker decision that the facts
17 clearly indicate an effort to deceive the Commission?

18 A I think that would be accurate.

19 Q Now, did you take that sentence as being directed
20 toward you or was that really directed towards somebody else
21 in your mind?

22 A I believe it was directed -- I believe that the
23 consequences were the result of my legal counsel, yes.

24 Q Your legal counsel.

25 And what is it that caused you to have that

1 belief?

2 A Well, I took his advice with regard to the
3 construction of the station. I was under the impression
4 that he had or had filed what was necessary for us to reduce
5 height and power. It became clear when the field
6 representative came that that was not the case.

7 When the ruling in June came down, he told me that
8 we were going to appeal and that it would work itself out.
9 During the same time I was -- I was experiencing, because of
10 Mount Baker, and I explained previously what the Canadian
11 government had done, my finances were crumbling. I was
12 going through a major divorce, and I did not have my eye
13 upon the ball. So a lot of what you are asking me if I had
14 paid attention to it in 1988, the way I should have done,
15 would not be an issue today, but I did not do that and I
16 take responsibility for that.

17 But clearly, I did not focus enough on this, and I
18 trusted other people.

19 Q Now, who was involved in terms of preparing the
20 petition for reconsideration that's referenced in the --

21 A I believe Mr. Root was.

22 Q Did that petition for reconsideration go before
23 anyone connected with the client for review to determine its
24 accuracy?

25 A I do not recall. I believe he signed it and I'm

1 sure that it -- I do not recall reviewing it or approving
2 it, although I may have.

3 Q Did you ever receive a copy of it?

4 A It is not in my files so I do not believe so, no.

5 Q So sitting here today you really don't have any
6 idea what Mr. Root said on behalf of the applicant?

7 A I believe that is correct.

8 Q Did there come a time when you learned that that
9 petition for reconsideration had been denied?

10 A I'm sure there was. Clearly, I know it now or
11 knew it, but I'm sure that is the case that I found out that
12 it had been denied, yes.

13 Q Did you take any steps at that point to have that
14 decision overturned?

15 A No, I did not.

16 Q Now, with respect to the Religious Broadcasting
17 decision, the first decision I want you to look at is the
18 one that appears in the Adams official notice documents,
19 Document No. 2. It's the black binder.

20 First of all, a little background. With respect
21 to the real party in interest issue that we've all been
22 talking about --

23 A Yes.

24 Q -- you understood, didn't you, that that issue was
25 focusing in large part on you?

1 A I did, yes.

2 Q So even though the issue was added with respect to
3 the applicant, SBBLP, that this was also going to have
4 implications with respect to you personally?

5 A Yes.

6 Q So that in terms of character, the issue was not
7 only concerned with character of this entity SBBLP, it was
8 also concerned with your character, wasn't it?

9 A I understand that now. I'm not sure I did at the
10 time that it was originally adjudicated.

11 Q Now, how did you come to find out that the issue
12 was added?

13 A Oh, I was still at that point consulting with Ms.
14 Van Osedale and working with her on a regular basis, every
15 day basis; later finding out I was doing too much for her at
16 that point. But that -- and I was working with her
17 attorneys and so on. So clearly, when that issue was added,
18 I was informed of it.

19 Q And I believe you related that some time in that
20 time frame when the issue was added, that your employment or
21 consulting relationship with the applicant was terminated?

22 A Yes. Yeah, I'm trying to remember what the time
23 frame was, but it was what it was. I was terminated at some
24 point.

25 Q Now, as a consequence of that consulting

1 arrangement being terminated, do you know whether or not the
2 certificate of limited partnership was amended to change the
3 principal place of business of the corporate general
4 partner?

5 A I'm sure that it -- I don't know. No, I'm not
6 aware of that one way or another.

7 Q Were you removed as a signatory from the
8 applicant's checking account?

9 A Yes.

10 Q Were any employees of yours still signatories to
11 the checking account?

12 A I do not believe so.

13 Q Now, I take that shortly after the ALJ's decision
14 was issued a copy of it was sent to you and you had a chance
15 to read it?

16 A Oh, I'm sure, yes, I did.

17 Q Did you feel that the ALJ was wrong in terms of
18 finding you to have been the real party in interest?

19 A Yes.

20 Q Did you request -- did you make a request of any
21 counsel to do something about that?

22 A No. I, again, at that point didn't understand the
23 significance of what had happened.

24 Q Now, as I recall, you were represented when you
25 were a witness, correct?